IN THE HIGH COURT OF BOMBAY AT GOA

CIVIL APPLICATION NO. 1 OF 2007

IN

SECOND APPEAL NO. 1 OF 2007

SHRI. SUBHASH KESHAV SALGAONKAR ... Applicant

Versus

MR. KRISHNA DATTARAM SALGAONKAR
AND 7 ORS. ... Respondents

Sudin M. S. Usgaonkar, Advocate for the appellant.

Shri P. A. Kholkar, Advocate for the respondents.

Coram:- S.A.BOBDE, J.

Date:- 16th March, 2007

P.C.

Heard. The learned Counsel for the respondents submit that the appellant is not entiled to any interim relief since the appellate Court has given a finding that the appellant was not in possession of the suit property. However, it appears that there are certain admissions, on record, where the plaintiffs have admitted that the defendant is in possesion of an area which is surrounded by live cactus and there is also a water connection taken by the defendant. This, prima facie, is an indicative of the appellant's possession and is not a solitory act.

2. Having regard to the fact that the appellant claims possession over 19,300 sq. metres of land out of the total area of 29,500 sq. metres, I consider it appropriate to grant an interim relief. As such, pending the second appeal, there shall be an interim stay of the Judgment of the

appellate Court to the extent that it relates to 19,300 sq. metres of the suit property.

S.A.BOBDE, J.

ssm.